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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/782,587
	Filing Date	February 12, 2001
	First Named Inventor	Anders Hjelholt Pedersen
	Group Art Unit	1645
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	31-001100US

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Response to Notice of Incomplete Reply	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Sequence Listing w/ diskette	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input checked="" type="checkbox"/> Statement to Support Filing of Sequence Listing	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Copy of Notice of Incomplete Reply and receipt acknowledgment postcard
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<b>Authorization to Charge Deposit Account</b> Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Jonathan Alan Quine, Reg. No. 41,261, The Law Offices of Jonathan Alan Quine
Signature	
Date	November 9, 2001

**CERTIFICATE OF MAILING**

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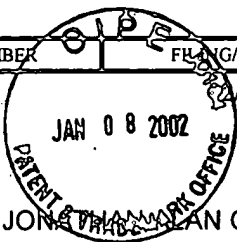
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/782,587	12/12/2001	Anders Hjelholt Pedersen	31-001100US

22798

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CONFIRMATION NO. 9481

FORMALITIES LETTER



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Date Mailed: 10/09/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

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## Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 07/06/2001 to the Notice to File Missing Parts (Notice) mailed 05/09/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- o A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

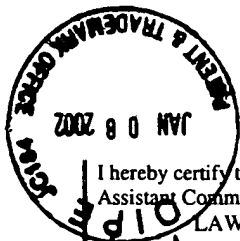
- For Rules Interpretation, call (703) 308-4216
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A copy of this notice **MUST** be returned with the reply.

Customer Service Center

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PART 2 - COPY TO BE RETURNED WITH RESPONSE



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on November 9, 2001  
LAW OFFICES OF JONATHAN ALAN QUINE

By

*Juliana Hermes*  
Juliana Hermes

Attorney Docket No. 31-001100US  
Client Ref. No. 0212us003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Anders Hjelholt Pedersen et al.

Application No.: 09/782,587

Filed: February 12, 2001

For: FACTOR VII OR VIIA-LIKE MOLECULES

Examiner: Unassigned

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Art Unit: 1645

RESPONSE TO THE NOTICE OF  
INCOMPLETE REPLY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This response is in response to the Notice of Incomplete Reply sent October 9, 2001 and having a period for reply as set forth in the original notice (i.e., a due date of **July 9, 2001**).

Accompanying this response is a corrected sequence listing that addresses the minor formal errors noted by the STIC report. As such, this response is fully responsive to the Notice of Incomplete Reply.

Applicants note, however, that the Notice of Incomplete Reply is completely inappropriate under the circumstances of the case. Specifically, even if the STICs reported errors are, in fact, errors in the listing they are clearly minor and formal in nature, i.e., merely the alleged omission of a descriptor field on one of the sequences. Accordingly, Applicants response to the Initial Notice of Missing Parts, which was timely filed on July 6, 2001 was clearly both complete and bona fide. As such, the provisions of the MPEP § 2421.03 and 37 CFR § 1.135(c) clearly apply. That is, Applicants should have been given an extendible 1-month period for response to any deficiencies believed to exist in the listing and should **not** have to pay for a 4 month extension to the original period for response.

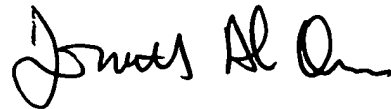
Furthermore, Applicants note that it is clearly unfair for the Office to treat a minor technical error in a listing as an incomplete response, given that the Applicants have no control over how long the Office takes to discover or allege such an error. The provisions of the MPEP at 2421.03 were clearly designed to prevent abuse of discretion by the Office in precisely this situation, i.e., in a manner that potentially costs the Applicant an expensive four month extension fee in a situation where they had no control over the time the Office required to take action on the case at issue.

Because the original response was clearly both complete and Bona Fide, the Notice of Incomplete Reply was clearly improper and should be treated as a simple Notice to Correct Errors in the Listing pursuant to the MPEP § 2421.03, with a due date of November 9, 2001. As such, the present response is timely and fully responsive and no extension of time should be required for consideration of the response.

#### **CONDITIONAL PETITION TO EXTEND THE PERIOD FOR RESPONSE**

The foregoing notwithstanding, in the event it is determined that an extension of time is required in the present case, please extend the period for response through the present date under the provisions of 1.136(a) and charge deposit account number 50-0893 any fee which is due.

Respectfully submitted,



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Reg. No. 41,261

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